

Wetlands Bureau Decision Report

Decisions Taken
11/14/2011 to 11/20/2011

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-00301
ALTON

BRESNAHAN, JOSEPH

Requested Action:

The Applicant requests a reconfiguration of the facility to utilize crib supports having found the site unsuitable for the driving of piles.

Inspection Date: 05/14/2008 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Fill 900 sq ft to construct a 58 linear ft dog-legged configured breakwater with a 12 ft gap at the shoreline, construct a 4 ft x 35 ft cantilevered walkway connected to a 4 ft x 30 ft cantilevered dock and a 6 ft x 35 ft crib dock on 131 ft of frontage in Alton on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design & Construction Management as revised October 10, 2011, as received by the Department on October 17, 2011.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. All portions of the proposed structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev 507.32) over the normal high water line (Elev 504.32).
9. The width as measured at the top of the breakwater (Elev 507.32) shall not exceed 3 feet.
10. This permit does not authorize maintenance dredging activities.
11. This permit does not authorize sand deposition and/or beach construction.
12. The gap between the breakwater and shoreline shall be maintained at a distance of 12 ft.
13. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
14. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
15. This facility is permitted with the condition that future proposed maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
16. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
17. The breakwater shall have an irregular face to dissipate wave energy.
18. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
19. Crib material shall be timber, concrete, or other material approved by DES, and of such size and spacing as necessary to completely contain the ballast.
20. The minimum clear spacing between cribs shall be 12 feet.
21. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the

Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 131 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2 and, therefore, meets Rule Env-Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on May 14, 2008, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on May 14, 2008 found no obvious evidence of sand migration along this shoreline.
8. The proposed amendment to allow an alternative pier type is necessary due to the presence of ledge in the dock location which prohibit the driving of piles. The modifications will not increase the number of slips provided by the facility.

-Send to Governor and Executive Council-

2011-01296 JOHNSON, DONNA/RICHARD
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Modify an existing non-conforming breakwater by filling 722 sq ft to construct 52 linear ft of breakwater, in an "dogleg" configuration, with a 10 ft gap at the shoreline, a 4 ft x 34 ft cantilevered pier, and a 4 ft x 22 ft cantilevered pier, with a 2 ft x 25 ft seasonal finger pier, arranged in an "F" configuration, with a 4 ft x 16 ft 6 in permanent wharf along the shoreline and dredge 6 cubic yards from 195 sq ft of lakebed to provide a second boat slip on an average of 109 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Modify an existing non-conforming breakwater by filling 722 sq ft to construct 52 linear ft of breakwater, in an "dogleg" configuration, with a 10 ft gap at the shoreline, a 4 ft x 34 ft cantilevered pier, and a 4 ft x 22 ft cantilevered pier, with a 2 ft x 25 ft seasonal finger pier, arranged in an "F" configuration, with a 4 ft x 16 ft 6 in permanent wharf along the shoreline and dredge 6 cubic yards from 195 sq ft of lakebed to provide a second boat slip on an average of 109 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management revision dated October 19, 2011, as received by the Department on October 21, 2011.
2. Pursuant to RSA 482-A:3, XIII, no watercraft shall be secured to this docking facility in any manner in which the watercraft, or any portion of that watercraft, extends across the extension of the property line over the public water.
3. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water except as authorized in writing by the owner of the property identified as Moultonborough tax map 219, lot 14 on October 10, 2010.

7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than ## feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
10. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking system adjacent to a breakwater.
2. The construction of a breakwater was previously approved on this frontage to provide safe docking at this site. The proposal is a modification of an existing breakwater.
3. The applicant has an average of 109 feet of frontage along Lake Winnepesaukee, Moultonborough.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.13.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on, or adversely affect the values of, Lake Winnepesaukee.
7. Field inspection on November 15, 2011, found no evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2011-02210 CITY OF ROCHESTER
ROCHESTER Unnamed Stream

Requested Action:

Dredge and fill a total of 1,077 sq. ft. of wetland and surface waters (91 linear ft. of stream channel) for the removal of an existing 40 ft x 6 ft. x 4 ft. corrugated metal pipe arch and replace with 40 ft. x 18 ft. x 4.5 ft. open bottom pre-cast concrete three-sided bridge within the same general footprint under an existing roadway. Remove 1,022 sq. ft. of sand and gravel deposited downstream due to erosion.

APPROVE PERMIT:

Dredge and fill a total of 1,077 sq. ft. of wetland and surface waters (91 linear ft. of stream channel) for the removal of an existing 40 ft x 6 ft. x 4 ft. corrugated metal pipe arch and replace with 40 ft. x 18 ft. x 4.5 ft. open bottom pre-cast concrete three-sided bridge within the same general footprint under an existing roadway. Remove 1,022 sq. ft. of sand and gravel deposited downstream due to erosion.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated October 14, 2011, as received by the NH Department of Environmental Services (DES) on October 20, 2011.
2. Restoration of downstream surface waters and wetlands shall be supervised by a NH certified wetland scientist.
3. A monitoring report shall be submitted to DES by a NH certified wetland scientist within 30 days of completion of the restoration of the downstream surface waters and wetlands. The report shall document restoration activities and status of restoration at the time

of the monitoring. Photographs shall depict all stages of restoration sequencing.

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
 5. Temporary work areas shall be regraded to original contours following completion of work.
 6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
 7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
 8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
 9. Temporary cofferdams shall be entirely removed immediately following construction.
 10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
 11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
 12. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
 13. Work shall be done during low flow.
 14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
- Faulty equipment shall be repaired prior to entering jurisdictional areas. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 903.01(g), the stream crossing is a new or replacement tier 3 crossing.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is closed bottom, has an outlet drop, is not capable of passing the 5-year storm event without ponding above the pipe crown, has created a scour pool and large deposit of sand and gravel downstream, creates overtopping of Howard Brook Drive and Estes Road at the 25 year storm event, and is not aligned with the flow of the natural stream.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is proposing to reconstruct the existing crossing by removing an undersized culvert and installing an open bottom bridge that will minimize flooding in this area.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. Natural Heritage Bureau has no record of sensitive species within the vicinity of this project.
5. This project qualifies as a tier 3 stream crossing and the applicant has designed the stream crossing in accordance with Env-Wt 904.01 and general design considerations of Env-Wt 904.05 which has a watershed of greater than 640 acres. The proposed bridge has been designed to meet the 100-year frequency flood, is simulating a natural stream channel, and will reduce sedimentation to downstream surface waters and wetlands.
6. The applicant's agent submitted a written request for an alternative design in accordance with Env-Wt 904.09 due to the some parameters of Env-Wt 904.05 that were unable to be met by the applicant for this project. DES approves of the request for the alternative design.
7. In accordance with Env-Wt 904.04(f)(2), compensatory mitigation is not required as the replacement of the crossing met all the applicable requirements when originally installed, but is in a location that results in the crossing being classified as tier 3 under these rules, and meets the requirements of Env-Wt 904.08.
8. In accordance with Env-Wt 304.04, the applicant has received written concurrence from affected abutters for proposed work within 20 ft. to abutter's property lines.
9. No report was submitted to DES by the Rochester Conservation Commission.

MINOR IMPACT PROJECT

2007-01287 SCRIMA REVOC TRUST, MARY
HAMPTON Sand Dune

Requested Action:

Request permit time extension.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission intervened on this application and then filed a follow-up report stating that : "The Hampton Conservation Commission opposes the granting of a DES Dredge and Fill application [sic] for the new construction on a piece of previously undeveloped sand dune ..." [discussion on the matter w/ observations] Further stating : "If the DES does grant this application [sic] we would request that : [list of 4 items which have been addressed in conditions and/or findings]".

Inspection Date: 08/30/2007 by Frank D Richardson

APPROVE TIME EXTENSION:

Excavate, regrade and/or otherwise alter terrain over a total of 4,150 sq. ft. of previously impacted sand dune/ upland tidal buffer zone (2,402 sq. ft. of permanent impact and 1,748 sq. ft. of temporary impact to be restored) to construct a single family home with all construction being more than 50 feet landward of the highest observable tide line.

With Conditions:

1. All work shall be in accordance with plans by Wetland Consulting Services dated Aug 3, 2007, as received by DES on August 10, 2007.
2. All activity shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
3. There shall be no further alteration of areas within NH DES Wetlands Bureau jurisdiction for lot development or any other construction activities.
4. Areas temporarily disturbed during construction shall be regraded to original contours and planted with American Beach Grass following completion of work.
5. The permittee shall retain a qualified professional to oversee the restoration of areas temporarily disturbed during construction and supervise the planting and subsequent successful establishment of American Beach Grass (*Ammophila breviligulata*) in these areas.
6. The name and qualifications of the professional selected shall be submitted to the Wetlands Bureau and Hampton Conservation Commission for review and acceptance prior to the start of any work on this site.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas of sand dune vegetation to remain undisturbed.
8. All paved surfaces shall be constructed of a permeable material to allow for infiltration of storm water runoff.
9. The actual footprint of the permanent impact area will be staked out on site and witnessed to comply with the approved plans by DES Wetlands Bureau staff and the Hampton Conservation Commission prior to the start of construction.
10. There shall be no impacts, temporary or permanent, authorized for adjacent land owned by the Town of Hampton.
11. DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.
2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

2010-01095 MESPELLI, PETER
CAMPTON Unnamed Stream

Requested Action:

Request for reconsideration of Wetlands and Non-Site Specific Permit 2010-1095 approval issued on August 23, 2011.

DENY RECONSIDERATION:

Deny request for reconsideration of Wetlands and Non-Site Specific Permit 2010-1095 approval to dredge and fill approximately 1042 sq. ft. (includes 1,000 sq. ft. of temporary impact) of stream bank and associated wetlands for temporary access and construction of a permanent 12 ft. span x 16 ft. run x 4 ft. minimum rise open bottom concrete box culvert/bridge for access to 5-lots (includes one "Woodlot" and one "General Common Land" lot) of a previously approved residential subdivision.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The appellant alleges that there is congestion resulting from existing lots of less than one acre, and that the appellant believes that the Town of Campton now requires three-acre lots.
2. The appellant alleges that building permits for the small, cluttered lots so close to wetlands, would not be issued today.
3. The appellant alleges that the impact of three buildings, septic systems, inhabitants and foot traffic associated with the project will have a negative impact on the wetlands.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration that a permit approval was erroneous, then the result is that the permit originally requested would be denied.

C. Findings of Fact and Rulings of Law

1. Env-Wt 302.04 (a)(1)-(20) establishes the requirements for application evaluations for minor and major impact projects.
2. Env-Wt 302.04(d)(1)-(3) establishes the criteria under which DES shall not grant a permit.
3. Review of the potential impacts of the design of proposed septic systems is conducted pursuant to Administrative Rules Env-Wq 1000, by the DES Subsurface Systems Bureau.
4. On 4/30/2010 DES received a wetlands application to fill 716 square feet and construct a culvert crossing of a perennial stream to access a three-lot area of a subdivision which was approved in 1987.
5. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
6. On 8/23/2011 DES issued permit 2010-1095 to dredge and fill approximately 1,042 sq. ft. (includes 1,000 sq. ft. of temporary impact) of stream bank and associated wetlands for temporary access and construction of a permanent 12 ft. span x 16 ft. run x 4 ft. minimum rise open bottom concrete box culvert/bridge for access to 5-lots (includes one "Woodlot" and one "General Common Land" lot) of a previously approved residential subdivision.
7. This approval was based on 35 findings. Finding 16 stated "On May 21, 2010 the department received comments from an abutter

to the proposed crossing expressing disapproval of granting a permit. The abutter noted concerns that the proposed culverts to the three 1 acre or less lots will be an added intrusion to an already overbuilt and overpopulated subdivision bordering the wetland created by Mr. Mespelli. Additionally, it was noted that the added heavy traffic resulting from both construction of the road and dwellings and its inhabitants of such close proximity would significantly disrupt this fragile habitat." Findings 17 through 35 addressed the issues raised by the abutter.

8. On 8/31/2011 DES received a request for reconsideration from the appellant, abutter Jacqueline Azourian.

9. With regard to the appellant's allegation that there is congestion resulting from existing lots of less than one acre and the appellant believes that the Town of Campton now requires three-acre lots, and the assertion that that building permits for the small, cluttered lots so close to wetlands, would not be issued today, DES finds that municipal zoning requirements relative to lot size, or municipal issuance of building permits, are beyond the scope of the jurisdiction of the DES Wetlands Bureau to regulate.

10. With regard to the appellant's allegation that three buildings, septic systems, inhabitants, and foot traffic associated with the project will have a negative impact on the wetlands, DES finds the following:

- a. review of potential surface or groundwater impacts resulting from subsurface system discharge are considered during the design review of septic plans by the DES Subsurface Systems Bureau. Any subsurface system proposed for the subject lots, which are to be accessed by the permitted stream crossing, will need to meet the requirements of the DES Subsurface Systems Bureau review;
- b. issues such as foot traffic, the location of houses to be built in the upland, and the presence of inhabitants, are beyond the scope of the jurisdiction of the DES Wetlands Bureau to regulate.

11. DES further finds that the appellant has provided no specific evidence to support the allegations, has failed to establish that the allegations are within the jurisdiction of the DES Wetlands Bureau to regulate, and has failed to present any new evidence not previously considered by the department when DES approved the application.

12. DES finds that the applicant has adequately met the criteria specified in Env-Wt 302.04(a) and (d) for issuance of a minor impact permit.

13. DES finds that the appellant has not met their burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

1. Based on the foregoing, the Department affirms the decision to approve the subject application, file number 2010-1069.

You are hereby informed that further appeal of this decision is to the New Hampshire Wetlands Council. Appeal must be made within 30 days of the date of this letter, in accordance with RSA 482-A:10, IV. Filing of the appeal shall be made by certified mail to the chairperson of the council, with a copy to DES, and shall set forth fully every ground upon which it is claimed that DES's decision is unlawful or unreasonable.

2011-00911 TOWN OF NEWMARKET NEWMARKET Piscassic River

Requested Action:

Impact a total of 5,600 square feet of wetlands (4,000 square feet temporary and 1,600 square feet of permanent impact) for road upgrade and installation of power and water lines associated with municipal water supply development, as follows:

- 1) Wetland A- 1,600 square feet of permanent impact to replace in-kind a 12" culvert, install underground power line and upgrade existing access road;
- 2) Wetland B - 1,600 square feet of temporary impacts to the Prime Wetland buffer perched wetland for installation of a directional drilling trench and underground water line installation;
- 3) Wetland C- 2,400 square feet of temporary impact to trench for water line installation.

Waive Prime Wetlands review process requirements pursuant to RSA 482-A:11, IV(c).

APPROVE PERMIT:

Impact a total of 5,600 square feet of wetlands (4,000 square feet temporary and 1,600 square feet of permanent impact) for road upgrade and installation of power and water lines associated with municipal water supply development, as follows:

- 1) Wetland A- 1,600 square feet of permanent impact to replace in-kind a 12" culvert, install underground power line and upgrade existing access road;
- 2) Wetland B - 1,600 square feet of temporary impacts to the Prime Wetland buffer perched wetland for installation of a directional drilling trench and underground water line installation;
- 3) Wetland C- 2,400 square feet of temporary

impact to trench for water line installation.

With Conditions:

1. All work shall be in accordance with plans by Weston & Sampson dated 10/4/2011, as received by the NH Department of Environmental Services (DES) on 10/8/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Area shall be regraded to original contours following completion of work.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in not tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impacts are limited to improving existing farm field road, and directional drilling will be used to cross the prime wetland.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reported that, while there is a record of an occurrence of a species of concern in the project vicinity, it is not expected to be impacted by the project.
5. The Newmarket Conservation Commission supports this project.
6. The prime wetlands permitting process for projects occurring within 100 feet of a designated prime wetland, is waived pursuant to RSA 482-A:11, IV(c). The applicant has demonstrated that the project represents minimal, temporary impact on the resource for necessary impacts associated with the development of municipal water supply infrastructure, and that the project will have no effect on the functions and values for which this particular wetland was designated as prime.

MINIMUM IMPACT PROJECT

**2006-02570 LONDONDERRY DPW, TOWN OF
LONDONDERRY Unnamed Wetland Black Brook**

Requested Action:

Request permit time extension.

Conservation Commission/Staff Comments:

The Town of Londonderry Conservation Commission recommended approval of the application.

APPROVE TIME EXTENSION:

Dredge and fill 2,800 sq. ft. (includes 300 sq. ft. temporary wetlands impact) of forested, scrub shrub and emergent wetlands for the construction of sidewalks to provide safe and improved access to three centrally located Town schools along Mammoth and

Pillsbury Roads. Work in wetlands includes side slope fill and grading, riprap slope protection, construction of a culvert headwall, construction of a section of retaining wall and construction of new stormwater treatment structures.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates LLP, dated December 26, 2006, as received by the Department on December 26, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.
2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

2011-01988 CLARDY, THOMAS
NEW HAMPTON Unnamed Wetland

Requested Action:

Retain 1,150 square feet of fill in wetlands to support house foundation.

APPROVE AFTER THE FACT:

Retain 1,150 square feet of fill in wetlands to support house foundation.

With Conditions:

1. This permit is contingent upon successful execution of Restoration Plan Approval issued under associated compliance file 2010-3408.
2. All work shall be in accordance with plans by Ames Associates dated 5/12/2011, as received by the NH Department of Environmental Services (DES) on 8/16/2011.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant's contractor constructed the house in the wrong place, unbeknownst to the applicant, and retaining a nominal amount of wetlands fill will allow the house to remain in place.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is removing the entire septic system installed by the contractor, and is restoring 12,890 square feet of wetlands disturbed by installation of the system.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The New Hampton Conservation Commission did not report.
6. The Pemigewasset River LAC reported on 10/10/11 that they would defer to DES in the resolution of this matter.
7. Approval of the restoration plan associated with this project will be processed under separate cover under file 2010-3408.

**2011-02494 BAE SYSTEMS SYSTEMS INFORMATION & ELTRONIC SYSTEM,
NASHUA Nashua River**

Requested Action:

Impact 40 sq. ft. within 100 feet of the Nashua River prime wetland in a location designated as urbanized exemption for the replacement of two (2) existing light poles which illuminate the adjacent parking area.

Conservation Commission/Staff Comments:

No report or comments on this application was received from the Nashua Conservation Commission.

This project is located in the area designated as 'urbanized exemption' relative to the SWQPA and the 100 ft. buffer to the Nashua River prime wetland.

APPROVE PERMIT:

Impact 40 sq. ft. within 100 feet of the Nashua River prime wetland in a location designated as urbanized exemption for the replacement of two (2) existing light poles which illuminate the adjacent parking area.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 22, 2011, as received by the NH Department of Environmental Services (DES) on September 30, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau may require a new application and/or further permitting by the Bureau.
3. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), project deemed minimum impact due to its location in an area designated as urbanized exemption.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-02631 PAINE FAMILY TRUSTS
STRAFFORD Unnamed Stream Bow Lake

Requested Action:

Temporarily impact a total of 700 sq. ft. of intermittent stream at two locations to remove and replace existing deteriorated culverts within the same location and same size. Permanently impact 315 sq. ft. (40 linear ft.) of shoreline to construct a stone retaining wall and stabilize an eroded shoreline.

APPROVE PERMIT:

Temporarily impact a total of 700 sq. ft. of intermittent stream at two locations to remove and replace existing deteriorated culverts within the same location and same size. Permanently impact 315 sq. ft. (40 linear ft.) of shoreline to construct a stone retaining wall and stabilize an eroded shoreline.

With Conditions:

1. All work shall be in accordance with plans by Round Pond Soil Survey dated October 2011, as received by the NH Department of Environmental Services (DES) on October 17, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Proper headwalls shall be constructed within seven days of culvert installation.
4. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during drawdown and during low flow conditions.
8. The contractor conducting the work shall use best management practices, such as temporary by-pass pipes, culverts, or cofferdams, so as to maintain normal flows and prevent water quality degradation.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) and Env-Wt 303.04(m), maintenance, repair, or replacement of nondocking structures such as a culvert and headwall provided there is no change in location, configuration, construction type, dimensions, the stream crossing work qualifies as a minimum impact project under Env-Wt 903.01(e)(2) or (3), and projects that disturb less than 50 ft. linear feet, measured along the shoreline, of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the culverts are deteriorated and need to be replaced. Further, the applicant has demonstrated that the shoreline is eroded and needs to be stabilized.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is repairing and restoring existing legal structures.
4. The applicant has certified in writing that the structures were in place before permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The Natural Heritage

Bureau ("NHB") has a record of sensitive species within the project vicinity, but NHB does not expect that the species will be impacted by the proposed project.

6. The Strafford Conservation Commission did not submit a report to DES.

7. This project qualifies as a tier 1 stream crossing where the contributing watershed is less than or equal to 200 acres or less. The applicant has designed the stream crossing in accordance with general design considerations of Env-Wt 904.01, Env-Wt 904.02(d), and Env-Wt 904.07 which does not diminish the hydraulic capacity and does not diminish the capacity of the crossings to accommodate aquatic life passage.

8. The proposed project meets the requirements of RSA 483-B, the Shoreland Water Quality Protection Act, by replacing existing legal structures with no change in location, configuration, construction type or dimensions, and the eroded shoreline will be restored and stabilized. There will be no change in impervious area on the property as a result of the proposed work.

FORESTRY NOTIFICATION

2011-02085 RUMNEY ECOLOGICAL SYSTEMS
RUMNEY Unnamed Stream

COMPLETE NOTIFICATION:
Rumney Tax Map 13, Lot# 2-29

2011-02780 SPINAZZOLA, ANTHONY/FRANCES
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:
Raymond Tax Map 8, Lot# 17, 32

2011-02781 AUTEN, JON
CORNISH Unnamed Stream

COMPLETE NOTIFICATION:
Cornish Tax Map 11, Lot# 32

2011-02833 VEILLEUX, PAUL
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 8, Lot# 1

2011-02836 CALL, MALCOLM/SHIRLEY
JEFFERSON Unnamed Stream

COMPLETE NOTIFICATION:
Jefferson Tax Map 21, Lot# 11

2011-02837 ROBINSON, LINCOLN/HEATHER
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 25

2011-02842 CONWAY, TOWN OF
NORTH CONWAY Unnamed Stream

COMPLETE NOTIFICATION:
North Conway Tax Map/Lot# 219/311, 230/123.1, 123.2, 127

2011-02850 SEIFERT, ROBERT
WOLFEBORO Unnamed Stream

COMPLETE NOTIFICATION:
Wolfeboro Tax Map 147, Lot# 3

2011-02856 HENDRIKSON, LEONA
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 10, Lot# 4,5

2011-02857 KAPLAN, SAMUEL
FREEDOM Unnamed Stream

COMPLETE NOTIFICATION:
Freedom Tax Map R12, Lot# 13

2011-02859 PARKER JR, RICHARD
KENSINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Kensington Tax Map 15, Lot# 10 & 11

2011-02860 CIANO, JOHN
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 209, Lot# 1

2011-02861 POINTER FISH & GAME CLUB INC
GOFFSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Goffstown Tax Map 11, Lot# 25

2011-02863 **KILHAM, BENJAMIN**
LYME **Unnamed Stream**

COMPLETE NOTIFICATION:
Lyme Tax Map 415, Lot# 28

2011-02888 **OWENS, WILLIAM**
MILTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Milton Mills Tax Map 5, Lot# 20

2011-02889 **13 MILE WOODS ASSOCIATION INC**
ERROL **Unnamed Stream**

COMPLETE NOTIFICATION:
Errol Tax Map R4, Lot# 15

2011-02890 **ZOTTO, ANGELA**
LOUDON **Unnamed Stream**

COMPLETE NOTIFICATION:
LOudon Tax Map 16, Lot# 2, 25

2011-02892 **PARTRIDGE-JONES, MARY**
HAVERHILL **Unnamed Stream**

COMPLETE NOTIFICATION:
North Haverhill Tax Map 417, Lot# 14

2011-02893 **REINHOLZ, LANCE**
MEREDITH **Unnamed Stream**

COMPLETE NOTIFICATION:
Meredith Tax Map R29, Lot# 12

2011-02895 **REINHOLZ, LANCE**
SANBORNTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Sanbornton Tax Map 5, Lot# 5

2011-02896 **BELLEVIEW INC, ALFRED STAUBLE**
MASON **Unnamed Stream**

COMPLETE NOTIFICATION:
Mason Tax Map B, Lot# 4-2

2011-02900 **GOLDBERG, JOEL**
BRADFORD **Unnamed Stream**

COMPLETE NOTIFICATION:
Bradford Tax Map 11, Lot# 55

EXPEDITED MINIMUM

2011-01697 **PREZIOSO, JOAN**
LITTLETON **Partridge Lake**

Requested Action:

Stabilize an existing eroding sloped beach area by constructing an 10 ft x 14 ft perched beach with less than 10 cubic yards of sand on Partridge Lake, Littleton.

Conservation Commission/Staff Comments:
Con Com signed Exp application

APPROVE PERMIT:

Stabilize an existing eroding sloped beach area by constructing an 10 ft x 14 ft perched beach with less than 10 cubic yards of sand on Partridge Lake, Littleton.

With Conditions:

1. All work shall be in accordance with plans by Raymond Lobdell as received by the NH Department of Environmental Services (DES) on October 21, 2011.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 846). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2011-01826 THE COOK TRUST
NELSON Unnamed Stream

Requested Action:

An amendment request received on October 24, 2011, requested to eliminate the proposed driveway crossing relocation and restoration and revise the permit to include upgrading the existing culvert.

APPROVE AMENDMENT:

Dredge and fill approximately 160 square feet of intermittent stream to replace a 12-in. culvert with a 30-in. embedded culvert to upgrade an existing single family residential driveway.

With Conditions:

1. All work shall be in accordance with plans received by Blakeman Engineering, Inc. dated July 17, 2011, and revised through October 24, 2011, as received by the DES Wetlands Bureau on October 24, 2011.
2. Work shall be done during low flow conditions and in the dry.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The recreated stream channel bed within the culvert and beyond must maintain the natural and a consistent streambed elevation and not impede stream flow.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

DES reaffirms finding no.'s 1 - 5:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Any project that alters the course of or disturbs less than 50 linear feet of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The Natural Heritage Bureau (NHB) review indicated that nesting bald eagle and common loon have been documented in the vicinity of the property. Bald eagle (*Haliaeetus leucocephalus*) and common loon (*Gavia immer*) are state threatened species protected by RSA 212-A, the New Hampshire Endangered Species Conservation Act. The NH Fish and Game Department (NHFG) does not expect direct impacts to bald eagle or common loon as a result of the project, there is potential for secondary impacts as a result of the large project footprint. NHFG recommended CSPA requirements are followed.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

DES adds the following findings:

6. An amendment request received on October 24, 2011, requested to eliminate the proposed driveway crossing relocation and restoration and revise the permit to include upgrading the existing culvert.

2011-02478 CASTLE PRESERVATION SOCIETY
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Impact 2,750 square feet of artificially created wetlands to install a french drain to route sheet flow drainage to an existing catch basin to correct a flooding issue adjacent to Castle upper gate house.

APPROVE PERMIT:

Impact 2,750 square feet of artificially created wetlands to install a french drain to route sheet flow drainage to an existing catch basin to correct a flooding issue adjacent to Castle upper gate house.

With Conditions:

1. All work shall be in accordance with plans by Carl Johnson, Advanced Land Surveying Consultants dated October 18, 2010, as received by the NH Department of Environmental Services (DES) on September 28, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reported that, while there is a record of an occurrence of a species of concern in the project vicinity, it is not expected to be impacted by the project.
5. The Moultonborough Conservation Commission signed the expedited application.

2011-02665 DUPUIS, CYNTHIA
DOVER Berry Brook

Requested Action:

Impact 950 sq. ft. (75 linear ft.) of bank for the removal of an existing timber retaining wall and replace with a new MSE retaining wall with a concrete face within the same location, height, and configuration. Place rip-rap at the outlet of an existing 4 in. pipe and reconstruct existing stairs.

APPROVE PERMIT:

Impact 950 sq. ft. (75 linear ft.) of bank for the removal of an existing timber retaining wall and replace with a new MSE retaining wall with a concrete face within the same location, height, and configuration. Place rip-rap at the outlet of an existing 4 in. pipe and reconstruct existing stairs.

With Conditions:

1. All work shall be in accordance with plans by Greenman-Pederson, Inc., as received by the NH Department of Environmental Services (DES) on October 20, 2011.
2. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual

(January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

3. Repair shall maintain existing size, location and configuration.
4. Culvert outlets shall be properly rip-rapped.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no changes in height, length, location, or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the existing timber retaining wall is severely deteriorated and needs to be replaced.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The new retaining wall is being constructed within the same footprint as the existing retaining wall.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The Natural Heritage Bureau ("NHB") has record of a sensitive species within the project vicinity, but NHB does not expect the species will be impacted by the project.
5. The Dover Conservation Commission signed the DES Minimum Impact Expedited application.

TRAILS NOTIFICATION

2011-02835 NH DRED
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

2011-02899 WAGNER FOREST MGMT LTD
ATK GIL GRANT Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1628, Lot# 2

LAKES-SEASONAL DOCK NOTIF

2011-02933 PAIGE TRUST AND THE GRACE TRUST, PETER/FAITH COOLI
HOLDERNESS Squam Lake

COMPLETE NOTIFICATION:

Holderness Tax Map 220, Lot# 27 Squam Lake

2011-02940 HAVER, FREDERICK
ASHLAND Little Sunapee Lake

COMPLETE NOTIFICATION:

Ashland Tax Map 23, Lot# 5 Little Sunapee Lake

ROADWAY MAINTENANCE NOTIF

2011-02904 HANCOCK, TOWN OF
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:

Replacing an existing 24" culvert with a 24" culvert and extend inlet & outlet by 5 feet

2011-02908 NH DEPT OF TRANSPORTATION
MANCHESTER Unnamed Wetland

COMPLETE NOTIFICATION:

Roadside ditch maintenance to clean an outlet to a 15" CMP

2011-02934 NH DEPT OF TRANSPORTATION, BUREAU OF TURNPIKES
BEDFORD Unnamed Stream Unnamed Wetland

COMPLETE NOTIFICATION:

Maintenance dredge 300 linear feet of ditchline

PERMIT BY NOTIFICATION

2011-02606 SAYLOR, JEFFREY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02719 MEAGHER, WILLIAM
SANBORNVILLE Great East Lake

Requested Action:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

2011-02799 JEANNETTE E ALBERT REV TRUST 1995, JEANNETTE ALBER
DEERFIELD Pleasant Lake

Requested Action:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

2011-02882 LOVERING, RICHARD/LINDA
MEREDITH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-02887 LINCOLN, MICHAEL
ALEXANDRIA Newfound Lake

Requested Action:

Repair or replacement of existing retaining walls that is performed “in the dry” during drawdown of waters, and that results in no change in height, length, location, or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair or replacement of existing retaining walls that is performed “in the dry” during drawdown of waters, and that results in no change in height, length, location, or configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair or replacement of existing retaining walls that is performed “in the dry” during drawdown of waters, and that results in no change in height, length, location, or configuration.

2011-02909 WEDEL, R ELIZABETH
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Install a 6 ft x 40 ft seasonal dock and a 6 ft x 3 ft concrete anchor pad on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Install a 6 ft x 40 ft seasonal dock and a 6 ft x 3 ft concrete anchor pad on Lake Winnepesaukee, Moultonborough.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.

CSPA PERMIT

2011-02436 VIBERT, CALVIN
BELMONT Silver Lake

Requested Action:

Construct a second floor to existing single story building.

APPROVE AMENDMENT:

Construct a second floor to existing single story building.

With Conditions:

Construct a second floor to existing single story building.

Requested Action:

Construct a second floor to existing single story building.

APPROVE AMENDMENT:

Construct a second floor to existing single story building.

With Conditions:

1. All work shall be in accordance with plans by Jeffrey L. Green dated October 25, 2011 and received by the NH Department of Environmental Services (DES) on October 27, 2011.
2. No more than 15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,243 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02666 DIGIANDMENICO, JAMES/LINDA
CONWAY Saco River

Requested Action:

Impact 6,918 sq ft in order to build a single family home and driveway.

APPROVE PERMIT:

Impact 6,918 sq ft in order to build a single family home and driveway.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys Inc. dated November 3, 2011 and received by the NH Department of Environmental Services (DES) on November 4, 2011.
2. No more than .5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional

approval is obtained from DES.

3. At least 54,420 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02755 SANDRA L SABUTIS REV TRUST OF 2006
MEREDITH Waukewan Lake

Requested Action:

Impact 2,000 sq ft for the purpose of constructing a new, detached garage and relocating a driveway.

APPROVE PERMIT:

Impact 2,000 sq ft for the purpose of constructing a new, detached garage and relocating a driveway.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates and received by the Department of Environmental Services ("DES") on October 28, 2011.
2. No more than 26.53% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. No impacts shall occur to natural ground covers within the waterfront buffer.
5. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
6. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

2011-02774 KOZIELL, JOSEPH
ANTRIM Franklin Pierce Lake

Requested Action:

Impact 16,469 sq ft in order to construct a dwelling, driveway, septic system, and associated structures.

APPROVE PERMIT:

Impact 16,469 sq ft in order to construct a dwelling, driveway, septic system, and associated structures.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated June 6, 2011 and received by the NH Department of Environmental Services (DES) on October 3, 2011. 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 9.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,777 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-02800 VANENGELLEN, ADRIANUS
LACONIA Lake Winnepesaukee

Requested Action:

Impact 568 sq ft in order to construction an addition to the primary structure and remove portions of the deck.

APPROVE PERMIT:

Impact 568 sq ft in order to construction an addition to the primary structure and remove portions of the deck.

With Conditions:

1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc. dated October 17, 2011 and received by the NH Department of Environmental Services (DES) on November 2, 2011.
2. No more than 21.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 52 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02806 NEWINGTON, TOWN OF
NEWINGTON Little Bay

Requested Action:

Impact 1,575 sq ft for the purpose of constructing a new accessory structure.

APPROVE PERMIT:

Impact 1,575 sq ft for the purpose of constructing a new accessory structure.

With Conditions:

1. All work shall be in accordance with plans by West Environmental, Inc., received by the Department of Environmental Services ("DES") on November 3, 2011.
2. No increases in impervious area shall occur beyond the approved 1,200 sq ft for the purpose of constructing a new accessory structure unless additional approval is obtained from DES.
3. No impacts shall occur to natural ground covers within the waterfront buffer.
4. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

2011-02816 GLOCKER, RUDY
MEREDITH Waukewan Lake

Requested Action:

Impact 6,815 sq ft in order to demolish an existing house and build a new 4 bedroom home further from the reference line.

APPROVE PERMIT:

Impact 6,815 sq ft in order to demolish an existing house and build a new 4 bedroom home further from the reference line.

With Conditions:

1. All work shall be in accordance with plans by Bollinger Associates dated October 20, 2011 and received by the NH Department of Environmental Services (DES) on November 3, 2011.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 4.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 22,540 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02820 GELINAS, LISE
WENTWORTHS LOCA Magalloway River

Requested Action:

Impact 6,387 sq ft in order to remove structures on two lots and merge lots together to construct a new dwelling, driveway, and septic system.

APPROVE PERMIT:

Impact 6,387 sq ft in order to remove structures on two lots and merge lots together to construct a new dwelling, driveway, and septic system.

With Conditions:

1. All work shall be in accordance with plans by York Land Services, LLC dated October 27, 2011 and received by the NH Department of Environmental Services (DES) on November 4, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-02824 ROCKYWOLD-DEEPHAVEN CAMPS INC
HOLDERNESS Squam Lake

Requested Action:

Impact 11,819 sq ft in order to complete renovations and /or expansions of nine seasonal cottages.

APPROVE PERMIT:

Impact 11,819 sq ft in order to complete renovations and /or expansions of nine seasonal cottages.

With Conditions:

1. All work shall be in accordance with plans by David Driscoll Designs dated October 25, 2011 and received by the NH Department of Environmental Services (DES) on November 4, 2011.
2. No more than 15.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 184,293 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-02825 BERLIN WATER WORKS, CITY OF
BERLIN Upper Ammonoosuc River**

Requested Action:

Impact 6,555 sq ft in order to construct a temporary work area to access area to construct a block wall, install a precast building and platform to the pedestrian bridge on Godfrey Dam.

APPROVE PERMIT:

Impact 6,555 sq ft in order to construct a temporary work area to access area to construct a block wall, install a precast building and platform to the pedestrian bridge on Godfrey Dam.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated November 1, 2011 and received by the NH Department of Environmental Services (DES) on November 7, 2011.
2. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
3. No more than .05% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,112,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

